



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

is similar to that in use in a large number of cities. Petitions signed by twenty-five percent of the registered voters must be filed with the clerk and be accompanied by a statement of the grounds upon which removal is sought. This statement is printed upon the official ballot. Every petition must be examined by the clerk and if it is not sufficient an opportunity is given for its amendment; when found sufficient it is sent to the council. If no municipal election is to occur within sixty days, a special election must be called by the council to choose a successor to the incumbent whose removal is sought. Candidates for the office in question are nominated as in the general elections. The name of the incumbent is placed upon the official ballot without nomination unless he requests otherwise. The person receiving the greatest number of votes at such an election is declared elected and if it be other than the incumbent, the incumbent is deemed removed. The successor to any officer so recalled holds office during the unexpired term of his predecessor subject to the recall provisions of this act. Any one recalled or who has resigned, while recall proceedings were pending, is ineligible for an appointive office for one year.

Among the more interesting features of this law is a provision that a single petition may be circulated against more than one officer, and that a single election may accomplish the recall of a number of officials. The provision that the election is to be held at the time of the general election, if such election occurs within sixty days, is new among recall laws, and the provision that municipal officials must hold office for four months before being subject to recall is unusual, yet these provisions seem logical additions to the regular recall machinery.

S. GALE LOWRIE.

Spanish Labor Legislation Since 1899. Though the industrial development of Spain has been slow and is still far behind most other European States, her industrial population is large enough to demand attention to its grievances. Two regions, Catalonia in the Northeast and the Basque Provinces in the North, have nearly half the artisan population of all Spain, and have been the centers of numerous strikes and incipient insurrections in the past two decades. In the mining region of the Province of Vizcaya there have been seven local strikes and four general strikes between 1890 and 1906. The grievances of the Spanish artisans are unquestionably great; but not until the past twelve years has the government shown signs of awakening to

their importance. In 1883 on the initiative of Señor Moret, Minister of the Interior, a commission was appointed to study means of bettering the condition of both artisans and peasants and questions relating to labor and capital. Under its auspices an investigation was made and a report published in 1889 the conclusions of which were very pessimistic. In 1890 the commission was reorganized and finally in 1903, the Institute of Social Reforms was created to study the labor problem in Spain and elsewhere and to publish its findings, to compile statistics, to inspect the condition of the workers, and to give advice as to needed legislation. The Institute has thirty members, eighteen chosen by the government, and twelve elected, six by the employers and six by the laborers. Its membership is of a high quality, including the leading sociologists of the country, and representatives of all creeds and political parties. During the seven and a half years of its existence the Institute has done excellent service and the legislation it has secured is of vital importance for the protection of the laborer.

The Employers' Liability Act of January 30, 1900 was due to the Commission preceding the Institute but the latter has secured some important modifications of it. The law declares the employer liable for all accidents to artisans in the course of their work unless due to some factor foreign to the work. Accident is defined as any bodily injury received during work or as a result of work done outside his own home by any workman employed by any individual employer or corporation. An original feature of the law is the distinction made between degrees of disability. Temporary disability must last a year at least and entitles the injured employee to an indemnity of half his ordinary daily wage, to be paid for every day including Sundays and fête days till he is able to return to work. In case of partial permanent disability, the employer must put the laborer at work which he is still able to do without decreasing his wages, or pay him an indemnity equal to a year's wages. Absolute permanent disability, and permanent and complete disability for that trade or occupation formerly pursued, entitle the injured employee to an indemnity equal to his wages for two years and a year and a half respectively. In case of temporary disability the indemnity begins on the day of the accident. If the accident results in death the employer must bear the funeral expenses, and pay the widow, legitimate children under sixteen years of age, and the grandparents indemnities varying in amount in proportion to the victim's average

annual wages. In case the accident is due to the employer's negligence, the above indemnities must be doubled, and negligence consists in not conforming wholly to a series of regulations to ensure the safety of employees enumerated in an ordinance of August 2, 1900. The law does not, however, provide for any compulsory insurance nor for a guarantee fund, but merely allows employers to insure themselves. Thus it can have little effect in case the employer becomes insolvent.¹

On March 13, 1900 a law was passed to protect women and children which affects all industrial and commercial establishments except agricultural labor and work done at home. It forbids children under ten years of age to be employed, though some exceptions are made in cases where the children can read and write, and prohibits children under fourteen years to work over six hours in industrial, or eight hours a day in commercial establishments. In general it limits to eleven hours a day the labor of all persons under the protection of the law. Night work is forbidden for children under fourteen, and those under sixteen are not allowed to work under ground, in industries using inflammable materials, or in cleaning motors or moving machinery. Children under sixteen and women not of age are not to work where there are printed pamphlets or pictures likely to inflict moral injury on them. Children under fourteen must have two hours each day for primary and religious instruction, and the employer must provide a school for this if there is none within two kilometers. Special detailed provisions were included in 1900 and greatly amplified in 1907 for the protection and benefit of women employees previous to, during, and immediately following maternity.

The Sunday Rest Law of March 13, 1900 forbade Sunday labor for women and children under eighteen and in 1904 this prohibition was made general for all work in the performance of which the physical faculties predominate and which is carried on in public or can be seen from a public road. Certain general exceptions were made such as domestic service, public spectacles, artistic work and teaching, sale of food, care of domestic animals, etc. Other sufficiently flexible exceptions were made for the continuance of work the stoppage of which would cause great damage or public inconvenience. No law as yet has been passed to limit the length of a day's work for artisans, but in 1902 a decree of the Minister of Finance fixed eight hours

¹ This law of 1900 is described in detail by L. Léger, "La Législation du Travail en Espagne," in *Annales des Sciences Politiques*, July 1906; and by Deléarde, *Etude sur la loi du 30 Janvier 1900*, in *Bulletin du Comité permanent du Congrès international des accidents du travail*, tome XV, 1904.

as the day's work in the State mines and factories and provided that each hour overtime be paid for at the rate of one eighth the daily wage.

July 12, 1906 the Cortes amended several articles of the Civil Code in the interest of workmen who have been forced to borrow to tide over temporary difficulties. It was made illegal to attach or garnishee wages not amounting to over two and a half pesetas per diem; and, in case they amount to more than that, a minimum average of two and a half pesetas a day remains unattachable.

In 1908 and 1909 considerable new legislation was made to deal with the relations between capital and labor and questions growing out of these. The first of these laws² was that providing for the establishment of industrial tribunals at the capital of each judicial district whenever asked for by interested parties. These courts will be composed of a presiding judge, three jurors and an alternate chosen by the interested workmen from a list presented by employers, and the same number chosen by the employers from a list presented by the workmen. The court then constituted will have jurisdiction over differences between employers and employed about the non-fulfillment or annulment of contracts to provide workmen, contracts to work, and apprentices' agreements; and over differences regarding the application of the Employer's Liability Act which were till 1908 under the jurisdiction of the ordinary civil courts. Appeal from the decisions of this court lies to a second court composed of the presiding judge, seven jurors and two alternates chosen from the employers, and the same number chosen from the employees.

Another law of 1908 provides Councils of Conciliation and Industrial Arbitration. When a strike is about to be declared, the workmen to take part must give the president of the local "junta" of social reforms written notice of their grievances and the names and residences of the employers affected at least twenty-four hours before the strike; and likewise when one or more employers contemplate a partial or complete stoppage of work in their establishments, they must warn the local "junta" a week in advance in a similar manner. Failure to comply with these requirements is punishable by a heavy fine. The "junta" then is to hand the statement of grievances to the other parties and ask at once whether its good offices will be accepted. If so, the president is to appoint from the lists made according to the Industrial Tribunals Law three employers and three employees to act as jurors with him. In case there are no such lists choice is

²Complete text in *Bulletin de l'Institut des Réformes Sociales*, Juin, 1908.

to be from the members of the "junta." The Council thus formed is to meet as quickly as possible, hear the parties, and propose terms of settlement. During this time the employers must not shut down nor the employees stop work. If the conflicting parties cannot be brought to agreement, the Council is to have the parties appoint arbitrators or a single arbitrator with full power to act for them. The parties are to agree to the terms of the compromise and any dispute as to its meaning is to be settled by the arbitrators who are to decide how long it is to last. If both parties do not agree to the compromise, or a strike or lock-out follows, the Council is to begin over again if it seems best; but, if conciliation and arbitration fail a second time, no further attempt is to be made except at the signed request of both parties. The electoral bodies provided in the Industrial Tribunals Act may establish permanent Conciliation Councils divided into sections corresponding to various trades or different localities. Compulsory arbitration is, however, not yet provided for.

January 27, 1909, the Conservative Minister Señor Maura secured the passage of a law dealing with strikes and unions and recognizing the right of employers and employed to organize and strike. This law designates as strike leaders all persons holding office in a union or corporation, or any who have aroused the workmen to strike by speech or writing, or have announced the strike; and makes these leaders responsible for illegal acts of strikers. It imposes the maximum penalty on a person who incites to an illegal act and only the minimum penalty on the person who actually commits it. Warning of strikes which will tend to stop water, light or railway service, or will leave the sick or those in hospitals without care, must be given to the authorities eight days in advance; and five days in advance, if they tend to stop the street railway service or deprive the people of any locality of some common article of food. Legally constituted unions must not in the course of a strike or lock-out prevent any member from exercising his rights freely, including that of withdrawal from the union. As might be expected, this law has been very severely criticised by many of the republicans and socialists on the ground that it tends to make a successful strike extremely difficult.

In addition to the above laws the Institute of Social Reforms has much more social legislation under discussion and seems to be doing all in its power to alleviate the condition of the Spanish artisans.

CLARENCE PERKINS.